



General Assembly

Distr.: Limited
18 November 2003

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Fifty-eighth session
Third Committee

Agenda item 117 (c)

**Human rights questions: human rights situations and
reports of special rapporteurs and representatives**

**Albania, Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark,
Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy,
Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal,
Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and
Northern Ireland and United States of America: draft resolution**

Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Expressing its grave concern about the serious and continuing human rights violations occurring in Turkmenistan,

Recalling Commission on Human Rights resolution 2003/11 of 16 April 2003,

Taking note of the recommendations outlined in the March 2003 report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe,

Noting with appreciation the recent offer of the Government of Turkmenistan to invite a delegation of experts of the Office of the United Nations High Commissioner for Human Rights to provide technical assistance in the area of human rights as well as the recent visits of the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for participating States in Central Asia and of the Organization's High Commissioner on National Minorities,

Calls upon the Government of Turkmenistan:



(a) To implement fully the measures set out in Commission on Human Rights resolution 2003/11 of 16 April 2003 and to inform the Commission before its sixtieth session of the steps being taken in this regard;

(b) To implement fully the recommendations outlined in the March 2003 report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe, to work constructively with the various institutions of the Organization and to facilitate further visits of the Personal Envoy of the Organization's Chairman-in-Office for participating States in Central Asia and of the Organization's High Commissioner on National Minorities;

(c) To develop a constructive dialogue with the Office of the United Nations High Commissioner for Human Rights and to cooperate fully with all the mechanisms of the Office;

(d) To grant to the International Committee of the Red Cross as well as lawyers and relatives immediate access to detained persons.



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Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child,³ the Convention on the Elimination of All Forms of Discrimination against Women,⁴ the Convention on the Prevention and Punishment of the Crime of Genocide,⁵ and the Geneva Conventions of 12 August 1949 for the protection of victims of war,⁶ as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87), of the International Labour Organization,

¹ Resolution 217 A (III).

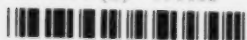
² Resolution 2200 A (XXI), annex.

³ Resolution 44/25, annex.

⁴ Resolution 34/180, annex.

⁵ Resolution 260 A (III).

⁶ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.



Bearing in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General pursuant thereto,⁷

Recalling its previous resolutions on the subject, the most recent of which is resolution 57/231 of 18 December 2002, those of the Commission on Human Rights, the most recent of which is resolution 2003/12 of 16 April 2003,⁸ and resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

Noting the increasing awareness of the Government of Myanmar of the need to comprehensively address the production of opium in Myanmar,

Taking note of the road map for the transition to democracy announced by the Prime Minister of Myanmar on 30 August 2003,

1. *Welcomes:*

(a) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year, and the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(b) The steps undertaken by the international community, including support from countries in the region, to encourage the Government of Myanmar to resume its efforts towards national reconciliation and dialogue, pursuant to acknowledging the importance of strengthening democracy as a fundamental element of regional security, as noted in the statement adopted on 18 June 2003 at the Tenth Regional Forum of the Association of Southeast Asian Nations;

(c) The report of the Secretary-General;⁹

(d) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;¹⁰

(e) The agreement, in Yangon on 27 May 2003, of the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, including the agreement on the establishment of an independent facilitator to assist possible victims of forced

⁷ A/58/546-A/2003/1053.

⁸ To be issued in *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

⁹ A/58/325 and Add.1.

¹⁰ See A/58/219.

labour, while noting that the conditions for the implementation of the Plan of Action do not exist at present;

(f) The continued cooperation of the Government of Myanmar with the International Committee of the Red Cross;

2. *Expresses its grave concern at:*

(a) The events of 30 May 2003, the corresponding, subsequent and continuing violations of human rights which constitute a serious setback for the human rights situation in the country, and the apparent involvement of the Government-affiliated Union Solidarity and Development Association in these events;

(b) The detention and the house arrest of Daw Aung San Suu Kyi, and the persistent denial of her human rights and fundamental freedoms, including freedom of movement, as well as the continued detention of other senior leaders of the National League for Democracy;

(c) The closure of offices of the National League for Democracy throughout the country and the increased surveillance and imprisonment of members and supporters of the League and other political organizations as well as the continuing detentions, inter alia, of prisoners whose sentences have expired;

(d) The systematic and consistent harassment and intimidation of members of the National League for Democracy by members of the Union Solidarity and Development Association;

(e) The lack of cooperation of the Government of Myanmar with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, particularly as concerns his proposal to visit ethnic nationality areas to investigate allegations of serious human rights violations;

3. *Expresses once again its grave concern at:*

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, in particular:

(i) Extrajudicial killing; continuing use of torture; rape and other forms of sexual violence persistently carried out by members of the armed forces; unsatisfactory conditions of detention; forced relocation; wide disrespect for the rule of law and lack of independence of the judiciary; trafficking in persons; forced labour, including child labour; destruction of livelihoods and confiscation of land by the armed forces; and violations of the right to an adequate standard of living, including food, medical care and education;

(ii) Denial of freedom of expression, including freedom of the media, of association, of assembly and of movement;

(iii) Discrimination and persecution on the basis of religious or ethnic background suffered by persons belonging to ethnic minorities, women and children;

(b) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

4. *Calls upon the Government of Myanmar:*

(a) To initiate a full and independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003 and its consequences for the human rights situation in Myanmar;

(b) To immediately facilitate and cooperate fully with the proposed investigation by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar into charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other States, including unhindered access to the region, and to guarantee the safety of those cooperating with and covered by the investigation;

(c) To immediately secure the safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations so as to ensure the provision of humanitarian assistance and to guarantee that it reaches the most vulnerable groups of the population;

(d) To pursue through dialogue and peaceful means an immediate end to conflict with all the remaining ethnic groups with which ceasefire agreements have not yet been signed, and to live up to its obligations to improve the development and human rights situation in ceasefire areas;

(e) To take all necessary steps to pursue cooperation with the International Labour Organization, with a view to implementing fully the recommendations of the Commission of Enquiry established to examine the observance by Myanmar of the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) of the International Labour Organization; and to create an environment in which the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, and in particular the facilitator mechanism that it established, may be implemented in a credible manner;

5. *Strongly urges the Government of Myanmar:*

(a) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

(b) To immediately and unconditionally release Daw Aung San Suu Kyi, other leaders of the National League for Democracy, and members of the League detained on or after 30 May 2003, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy;

(c) To immediately and unconditionally release all other political detainees;

(d) To immediately reverse all the other "temporary" measures imposed following the 30 May 2003 incident, inter alia, by the reopening of all the offices of the National League for Democracy throughout the country;

(e) To immediately lift all restraints on peaceful political activity, and to fully guarantee freedom of expression, including freedom of the media, of association and of assembly;

(f) To put an end to impunity by investigating and bringing to justice any perpetrators of human rights violations, including members of the military, and the

Union Solidarity and Development Association, and other government agents in all circumstances;

(g) To enhance cooperation with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar in order that the situation after 30 May 2003 may be assessed first-hand, to guide the country towards a transition to civilian rule, and to ensure that both the Special Envoy and the Special Rapporteur are granted full and free access to Myanmar and all persons cooperating with them are not subjected to any form of intimidation, harassment or punishment and that, while in Myanmar, they are provided with equal access to the leaders and members of all the country's political parties, including the National League for Democracy;

(h) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Daw Aung San Suu Kyi and other leaders of the National League for Democracy directed towards democratization and national reconciliation and, at an early stage, include other political leaders in these talks, including representatives of the ethnic groups;

(i) To elaborate the road map for the transition to democracy, which is still lacking in such essential elements as concrete timing and an adequate plan for the involvement of all political groups and ethnic nationalities, in such a way as to assure that the process is transparent and inclusive;

6. *Once again urges* the Government of Myanmar, as it did in its resolution 57/231 of 18 December 2002, and as done by the Commission on Human Rights in its resolution 2003/12 of 16 April 2003:

(a) To ensure the independence of the judiciary and due process of law;

(b) To consider as a matter of high priority becoming party to those remaining international human rights instruments to which it is not already party, and to comply fully with its obligations under international human rights instruments;

(c) To put an immediate end to the recruitment and use of child soldiers, inter alia, by some armed ethnic groups and ensure their disarmament, demobilization and reintegration, to end systematic enforced displacement and provide protection and assistance to internally displaced persons, to allow safe and dignified voluntary return of refugees, and to carry out the action appropriate to fighting the HIV/AIDS epidemic;

7. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar as well as all relevant parties to the national reconciliation process;

(b) To report to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixtieth session on the progress made in the implementation of the present resolution;

(c) To give all necessary assistance in enabling his Special Envoy for Myanmar to implement the present resolution and, in the context of the facilitation

role, to explore any and all possibilities for discharging fully and effectively his mandate;

(d) To continue to give all necessary assistance to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar so as to enable him to discharge his mandate fully;

8. *Notes* that the international community, guided by the present and other resolutions, will, following positive developments in the country, comprehensively support the process of national reconciliation and restoration of democracy in Myanmar;

9. *Also notes* that the Secretary-General may wish to explore further courses of action within his competence that would promote improvement in the overall situation in Myanmar, and that to this end he may wish to consult with the international community and the Government of Myanmar;

10. *Decides* to continue the consideration of this question at its fifty-ninth session.



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Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child,³ the Convention on the Elimination of All Forms of Discrimination against Women,⁴ the Convention on the Prevention and Punishment of the Crime of Genocide,⁵ and the Geneva Conventions⁶ of 12 August 1949 for the protection of victims of war,⁶ as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87), of the International Labour Organization,

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ Resolution 44/25, annex.

⁴ Resolution 34/180, annex.

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Bearing in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General pursuant thereto,⁷

Recalling its previous resolutions on the subject, the most recent of which is resolution 57/231 of 18 December 2002, those of the Commission on Human Rights, the most recent of which is resolution 2003/12 of 16 April 2003,⁸ and resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

Taking note of the increasing awareness of the Government of Myanmar of the need to comprehensively address the production of opium in Myanmar,

Taking note of the road map for the transition to democracy announced by the Prime Minister of Myanmar on 30 August 2003,

1. *Welcomes:*

(a) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year, and the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(b) Efforts by the international community, including support from countries in the region, to encourage the Government of Myanmar to resume its efforts towards national reconciliation and dialogue, pursuant to acknowledging the importance of strengthening democracy as a fundamental element of regional security;

(c) The report of the Secretary-General;⁹

(d) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;¹⁰

(e) The agreement, on 27 May 2003, of the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, including the agreement to an independent facilitator to assist possible victims of forced labour, while noting that the conditions for the implementation of the Plan of Action do not exist at present;

⁷ A/58/546-A/2003/1053.

⁸ To be issued in *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

⁹ A/58/325 and Add.1.

¹⁰ See A/58/219.

(f) The continued cooperation of the Government of Myanmar with the International Committee of the Red Cross;

2. *Expresses its grave concern at:*

(a) The events of 30 May 2003, the corresponding, subsequent and continuing violations of human rights which constitute a serious setback for the human rights situation in the country, and the apparent involvement of the Government-affiliated Union Solidarity and Development Association in these events;

(b) The detention and the house arrest of Daw Aung San Suu Kyi, and the persistent denial of her human rights and fundamental freedoms, including freedom of movement, as well as the continued detention of other senior leaders of the National League for Democracy;

(c) The closure of offices of the National League for Democracy throughout the country and the increased surveillance and imprisonment of members and supporters of the National League for Democracy and other political organizations as well as the continuing detentions, including of prisoners whose sentences have expired;

(d) The systematic and consistent harassment and intimidation of members of the National League for Democracy by members of the Union Solidarity and Development Association;

(e) The lack of cooperation shown by the Government of Myanmar towards the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, particularly as concerns his proposal to visit ethnic nationality areas to investigate allegations of serious human rights violations;

3. *Expresses once again its grave concern at:*

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, in particular:

(i) Extrajudicial killing; continuing use of torture; rape and other forms of sexual violence persistently carried out by members of the armed forces; unsatisfactory conditions of detention; forced relocation; wide disrespect for the rule of law and lack of independence of the judiciary; trafficking in persons; forced labour, including child labour; destruction of livelihoods and confiscation of land by the armed forces; and violations of the right to an adequate standard of living, including food, medical care and education;

(ii) Denial of freedom of expression, including freedom of the media, of association, of assembly and of movement;

(iii) Discrimination and persecution on the basis of religious or ethnic background suffered by persons belonging to ethnic minorities, women and children;

(b) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

4. *Calls upon* the Government of Myanmar:

(a) To initiate a full and independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003 and its consequences for the human rights situation in Myanmar;

(b) To immediately facilitate and cooperate fully with the proposed investigation by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar into charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other States, including unhindered access to the region, and to guarantee the safety of those cooperating with and covered by the investigation;

(c) To immediately secure the safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations to ensure the provision of humanitarian assistance and to guarantee that it reaches the most vulnerable groups of the population;

(d) To pursue through dialogue and peaceful means an immediate end to conflict with all remaining ethnic groups with which ceasefire agreements have not yet been signed, and to live up to its obligations to improve the development and human rights situation in ceasefire areas;

(e) To take all necessary steps to pursue cooperation with the International Labour Organization, with a view to implementing fully the recommendations of the Commission of Enquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning Forced or Compulsory Labour, and to create an environment in which the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, and in particular the facilitator mechanism which it established, may be implemented in a credible manner;

5. *Strongly urges* the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

(b) To immediately and unconditionally release Daw Aung San Suu Kyi, other leaders of the National League for Democracy, and members of the National League for Democracy detained on or after 30 May 2003, and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy;

(c) To immediately and unconditionally release all other political detainees;

(d) To immediately reverse all the other "temporary" measures imposed following the 30 May 2003 incident, including by the reopening of all the offices of the National League for Democracy throughout the country;

(e) To immediately lift all restraints on peaceful political activity, and to fully guarantee freedom of expression, including freedom of the media, association and assembly;

(f) To put an end to impunity by investigating and bringing to justice any perpetrators of human rights violations, including members of the military and of

the Union Solidarity and Development Association, and other government agents in all circumstances;

(g) To enhance cooperation with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar in order to assess first-hand the situation after 30 May 2003, to bring the country towards a transition to civilian rule, to ensure that they are both granted full and free access to Myanmar and that all persons cooperating with them are not subjected to any form of intimidation, harassment or punishment and, while in Myanmar, to provide them with equal access to the leaders and members of all the country's political parties, including the National League for Democracy;

(h) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Daw Aung San Suu Kyi and other leaders of the National League for Democracy towards democratization and national reconciliation and, at an early stage, to include other political leaders in these talks, including representatives of the ethnic groups;

(i) To elaborate the road map, which is still lacking in essential elements such as concrete timing and an adequate plan for the involvement of all political groups and ethnic nationalities, in a way that ensures that the process is transparent and inclusive;

6. *Once again urges* the Government of Myanmar, as stated in its resolution 57/231 of 18 December 2002, as well as in Commission on Human Rights resolution 2003/12 of 16 April 2003:

(a) To ensure the independence of the judiciary and due process of law;

(b) To consider as a matter of high priority becoming party to those remaining international human rights instruments to which it is not already party, and to comply fully with its obligations under international human rights instruments;

(c) To put an immediate end to the recruitment and use of child soldiers, inter alia, by some armed ethnic groups and ensure their disarmament, demobilization and reintegration, to end systematic enforced displacement and provide protection and assistance to internally displaced persons, to allow safe and dignified voluntary return of refugees, and to carry out the appropriate action to fight the HIV/AIDS epidemic;

7. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar as well as all relevant parties to the national reconciliation process;

(b) To report to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixtieth session on the progress made in the implementation of the present resolution;

(c) To give all necessary assistance to enable his Special Envoy to implement the present resolution and, in the context of the facilitation role, to explore any and all possibilities for discharging fully and effectively his mandate;

(d) To continue to give all necessary assistance to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar to enable him to discharge his mandate fully;

8. *Notes* that the international community, guided by the present and other resolutions, will, following positive developments in the country, comprehensively support the process of national reconciliation and restoration of democracy in Myanmar;

9. *Notes also* that the Secretary-General may wish to explore further courses of action within his competence which would promote improvement in the overall situation in Myanmar, and that to this end he may wish to consult with the international community and the Government of Myanmar;

10. *Decides* to continue the consideration of this question at its fifty-ninth session.



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**Andorra, Canada, Czech Republic, Iceland, Ireland, Micronesia (Federated States of), Netherlands, Portugal, Sweden and United States of America:
draft resolution**

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,³ the International Covenant on Economic, Social and Cultural Rights,² the International Convention on the Elimination of All Forms of Racial Discrimination³ and the Convention on the Rights of the Child,⁴

Recalling its previous resolutions on the subject, the most recent of which is resolution 56/171 of 19 December 2001, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,⁵

Noting the commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law,

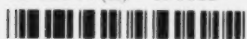
¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ Resolution 2106 A (XX), annex.

⁴ Resolution 44/25, annex.

⁵ See *Official Records of the Economic and Social Council, 2001, Supplement No. 3 (E/2001/23)*, chap. II, sect. A.



1. *Welcomes:*

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002;

(b) The visit of the Working Group on Arbitrary Detention of the Commission on Human Rights to the Islamic Republic of Iran in February 2003 and its subsequent report;⁶

(c) The visit of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to the Islamic Republic of Iran in November 2003 and the scheduled visit of the Working Group on Enforced Disappearances of the Commission in February 2004;

(d) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(e) The efforts by the elected Government to foster the growth of civil society;

2. *Expresses its serious concern at:*

(a) The continuing violations of human rights in the Islamic Republic of Iran;

(b) The continued deterioration of the situation with regard to freedom of opinion and expression, especially the increased persecution for the peaceful expression of political views, including arrest, detention without charge or trial; crackdowns by judiciary and security forces against journalists, parliamentarians, students, clerics and academics; and the harsh reactions to student demonstrations, including the imprisonment, mistreatment and use of university disciplinary committees against those who participate;

(c) The continuing executions in the absence of respect for internationally recognized safeguards, and in particular deplores public executions;

(d) The use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and flogging;

(e) The continued restrictions on free assembly and forcible dissolution of political parties;

(f) The failure to comply fully with international standards in the administration of justice, the absence of due process of law, the use of national security laws to deny the rights of the individual and the lack of respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities;

(g) The systemic discrimination against women and girls in law and in practice and the refusal of the Guardian Council to take steps to address this systematic discrimination, noting in this context its refusal, in August 2003, to

⁶ E/CN.4/2004/3/Add.2 and Corr.1.

consider the elected Parliament's proposal to accede to the Convention on the Elimination of All Forms of Discrimination against Women;⁷

(h) The continuing discrimination against persons belonging to minorities, including against the Baha'is, Christians, Jews and Sunnis, including cases of arbitrary arrest and detention, the denial of free worship or publicly carrying out of communal affairs and the disregard of property rights;

(i) The continued persecution and arbitrary sentencing to prison of human rights defenders, political opponents, religious dissenters and reformists;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To abide by its obligations freely undertaken under the International Covenants on Human Rights² and other international human rights instruments, including those relating to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment or punishment and the promotion and protection of the human rights of women and girls, and to continue its efforts to consolidate respect for human rights and the rule of law;

(b) To respond fully to the recommendations of the Working Group on Arbitrary Detention;

(c) To continue to cooperate with United Nations mechanisms, in particular with the Special Rapporteur on freedom of expression and the Working Group on Enforced Disappearances, and to respond fully to their recommendations;

(d) To expedite judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups;

(e) To appoint an impartial prosecutor, noting the re-establishment, since December 2001, within the Islamic Republic of Iran of the Office of the Prosecutor General;

(f) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities, including the Baha'is, Christians, Jews and Sunnis, and to address this matter in an open manner, with the full participation of the minorities themselves;

(g) To take all necessary measures to end amputation and public flogging and to vigorously pursue penitentiary reform;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, including the Special Rapporteur of the Commission on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to respond fully to their subsequent recommendations;

⁷ Resolution 34/180, annex.

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-ninth session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.



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Agenda item 117 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Japan, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mexico, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Republic of Tanzania, Venezuela, Viet Nam, Zambia and Zimbabwe: draft resolution

The right to food

The General Assembly,

Recalling its resolution 57/226 of 18 December 2002, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2003/25 of 22 April 2003,¹

Recalling also the Universal Declaration of Human Rights,² which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food,

¹ See *Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

² Resolution 217 A (III).



Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,³ in which the fundamental right of every person to be free from hunger is recognized,

Recalling the Universal Declaration on the Eradication of Hunger and Malnutrition,⁴ as well as the United Nations Millennium Declaration,⁵

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action,⁶

Bearing in mind also the Declaration of the World Food Summit: five years later, adopted in Rome from 13 June 2002,⁷

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration as well as the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

³ See resolution 2200 A (XXI), annex.

⁴ *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

⁵ Resolution 55/2.

⁶ Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

⁷ Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 840 million undernourished people in the world, every seven seconds a child under the age of ten dies, directly or indirectly, of hunger somewhere in the world and more than 2 billion people worldwide suffer from "hidden hunger", or micronutrient malnutrition;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, and that in many countries, girls are twice as likely to die from malnutrition and preventable childhood diseases as boys, and it is estimated that almost twice as many women suffer from malnutrition as men;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to elaborate and adopt national plans to combat hunger;

6. *Also encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food, and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

7. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

8. *Invites once again* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security⁵ and the United Nations Millennium Declaration;⁵

9. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

10. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,⁸ and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

11. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25;

⁸ A/58/330.

12. *Expresses its appreciation to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action⁶ through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;*

13. *Encourages the Special Rapporteur to mainstream a gender perspective in the activities relating to his mandate;*

14. *Requests the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;*

15. *Welcomes the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;⁹*

16. *Welcomes the work of the Intergovernmental Working Group mandated by the Council of the Food and Agricultural Organization of the United Nations to elaborate, in a period of two years, a set of voluntary guidelines to support the efforts of Member States to achieve the progressive realization of the right to adequate food in the context of national food security;*

17. *Welcomes the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;*

18. *Requests the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixtieth session and an interim report to the General Assembly at its fifty-ninth session on the implementation of the present resolution;*

19. *Invites Governments, relevant United Nations agencies, funds and programmes, treaty bodies and non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;*

20. *Decides to continue the consideration of this matter at its fifty-ninth session under the item entitled "Human rights questions".*

⁹ Official Records of the Economic and Social Council, 2000, Supplement No. 2 and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.



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Item 117 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective
enjoyment of human rights and fundamental freedoms**

Argentina, Austria, Belgium, Brazil, Canada, Chile, Cyprus, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Recalling its resolution 57/219 of 18 December 2002 as well as Commission on Human Rights resolution 2003/68 of 25 April 2003,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,¹ which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights,

¹ A/CONF.157/24 (Part I), chap. III.



fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.

Noting its resolution 56/160 of 19 December 2001, and noting also Commission on Human Rights resolution 2003/37 of 23 April 2003,² on human rights and terrorism,

Noting also the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Recalling the relevant resolutions of the General Assembly and the Security Council,

Noting the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights³ without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,⁴ certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29 (2001) on states of emergency, adopted by the Human Rights Committee on 24 July 2001,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

² See *Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

³ Resolution 217 A (III).

⁴ See resolution 2200 A (XXI), annex.

3. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219,⁵ and welcomes its conclusions on the necessity of ensuring respect for human rights in the international campaign to eliminate the practice and threat of terrorism and on the important dual role that the United Nations has in promoting the maintenance of international peace and security while also seeking to achieve international cooperation in encouraging respect for the human rights and fundamental freedoms of all;

4. *Takes note with interest* of the report of the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism,⁶ and welcomes the various initiatives to strengthen the protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental systems as well as by States;

5. *Welcomes* the publication of the *Digest of Jurisprudence of the United Nations and Regional Organizations, on the Protection of Human Rights while Countering Terrorism*, and requests the United Nations High Commissioner for Human Rights to update and publish it periodically;

6. *Also welcomes* the ongoing dialogue established between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the cooperation with relevant human rights bodies, especially with the Office of the United Nations High Commissioner for Human Rights, in order to ensure the integration of the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions;

7. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism and to coordinate their efforts and to exchange information in order to ensure a consistent approach on this subject;

8. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

9. *Requests* the United Nations High Commissioner for Human Rights, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

⁵ E/CN.4/2003/120.

⁶ A/58/266.

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

10. *Also requests* the United Nations High Commissioner for Human Rights to submit a study on (a) the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, and (b) examples of best practices by States in ensuring the compatibility of their counter-terrorism measures with their obligations under international human rights law, all in order to identify means and measures for consideration by States for strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism as regards the international human rights institutional framework;

11. *Further requests* the United Nations High Commissioner for Human Rights to submit the requested study to the General Assembly at its fifty-ninth session, with an interim report to the United Nations Commission on Human Rights at its sixtieth session;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixtieth session and to the General Assembly at its fifty-ninth session.

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Item 117 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Algeria, Angola, Belarus, Burkina Faso, Cameroon, China, Congo, Cuba,
Democratic People's Republic of Korea, Democratic Republic of the Congo,
Eritrea, Ethiopia, Ghana, Haiti, Iran (Islamic Republic of), Jamaica, Kenya,
Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi,
Mozambique, Myanmar, Namibia, Nigeria, Pakistan, Sudan, Suriname,
Swaziland, United Republic of Tanzania, Viet Nam and Zimbabwe:
draft resolution

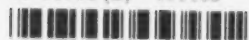
**Respect for the purposes and principles contained in the Charter
of the United Nations to achieve international cooperation in
promoting and encouraging respect for human rights and for
fundamental freedoms and in solving international problems of
a humanitarian character**

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation, and that, within the framework of these purposes and



principles, the promotion and protection of all human rights are a legitimate concern of the international community.

Considering the major changes taking place on the international scene and the aspirations of all peoples to an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, and should continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that human rights and fundamental freedoms are the birthright of all human beings, the promotion and protection of such rights and freedoms being the first responsibility of Governments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Security Council and the Economic and Social Council, as the paramount framework for the achievement of the purposes of the United Nations,

Reaffirming the commitment of all States to fulfil their obligations under other important instruments of international law, in particular those of international human rights and humanitarian law,

Taking into account that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling all its previous resolutions on the question, including its resolution 57/217 of 18 December 2002,

1. *Reiterates* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;

2. *Stresses* the vital role of the work of United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character,

and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;

3. *Reaffirms* that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

4. *Calls upon* all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of international law, inter alia, by fully respecting international human rights and humanitarian law;

5. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system, and intergovernmental and non-governmental organizations, and to disseminate it as widely as possible;

6. *Decides* to consider this question at its fifty-ninth session under the item entitled "Human rights questions".



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**Human rights questions: human rights questions, including
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of human rights and fundamental freedoms**

Algeria, Angola, Cameroon, China, Colombia, Cuba, Democratic People's
Republic of Korea, Indonesia, Iran (Islamic Republic of), Lao People's
Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Viet Nam
and Zimbabwe: draft resolution

**Respect for the principles of national sovereignty and diversity of
democratic systems in electoral processes as an important element
for the promotion and protection of human rights**

The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations
among nations based on respect for the principle of equal rights and self-
determination of peoples and to take other appropriate measures to strengthen
universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the
Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625 (XXV) of 24 October 1970, by which it
approved the Declaration on Principles of International Law concerning Friendly
Relations and Cooperation among States in accordance with the Charter of the
United Nations,

Reaffirming the right to self-determination, by virtue of which all peoples can
freely determine their political status and freely pursue their economic, social and
cultural development,

Recognizing that the principles enshrined in Article 2 of the Charter of the
United Nations, in particular respect for national sovereignty, should be respected in
the holding of elections,



Recognizing also the richness and diversity of democratic political systems and models of free and fair electoral processes in the world, based on national and regional particularities and various backgrounds,

Recalling that each State has the sovereign right freely to choose and develop, in accordance with the will of its people, its own political, social, economic and cultural systems without interference by other States, in strict conformity with the United Nations Charter,

Stressing the responsibility of States in ensuring ways and means to facilitate full and effective popular participation in their electoral processes,

Recognizing the contribution made by the United Nations of electoral assistance provided to numerous States upon their request,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration,¹ to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

1. *Reaffirms* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development, and that every State has the duty to respect that right, in accordance with the provisions of the Charter of the United Nations;

2. *Reiterates* that periodic, fair and free elections are important elements for the promotion and protection of human rights;

3. *Reaffirms* the right of peoples to determine methods and to establish institutions regarding electoral processes and, consequently, that there is no single model of democracy or of democratic institutions and that States should ensure all the necessary mechanisms and means to facilitate full and effective popular participation in those processes;

4. *Also reaffirms* that democracy is both an ideal to be pursued and a mode of government to be applied according to modalities that reflect the diversity of experiences and cultural particularities without derogating from internationally recognized principles, norms and standards, and that it is thus a constantly perfected and always perfectible state or condition whose progress will depend upon a variety of political, social, economic and cultural factors;

5. *Further reaffirms* that free development of the national electoral process in each State should be fully honoured in a manner that fully respects the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;²

¹ See resolution 55/2.

² Resolution 2625 (XXV), annex.

6. *Calls upon* all States to refrain from financing political parties or other organizations in any other State in a way that is contrary to the principles of the Charter and that undermines the legitimacy of its electoral processes;

7. *Condemns* any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

8. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.



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Item 117 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment of
human rights and fundamental freedoms**

**Argentina, Colombia, Egypt, El Salvador, Guatemala, Mexico, Paraguay, Peru,
Philippines, Senegal and Uruguay: draft resolution**

Protection of migrants

The General Assembly,

Recalling its resolution 57/218 of 18 December 2002,

Reaffirming that the Universal Declaration of Human Rights¹ proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also the provisions concerning migrants adopted by the World Conference on Human Rights,² the International Conference on Population and Development,³ the World Summit for Social Development⁴ and the Fourth World Conference on Women,⁵

Welcoming the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,⁶ and expressing its satisfaction about the important recommendations made for the development of international and national strategies

¹ Resolution 217 A (III).

² See A/CONF.157/24 (Part I), chap. III.

³ See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

⁴ See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

⁵ See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

⁶ See A/CONF.189/12 and Corr.1, chap. I.



for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants.

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

Bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin of migrants who are non-documented or in an irregular situation,

Bearing in mind also the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

Deeply concerned about the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Underlining the importance of the creation of conditions that foster greater harmony between migrants and the rest of the society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Taking note of Advisory Opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, on The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, in the case of foreign nationals detained by the authorities of a receiving State,

Taking note also of Advisory Opinion OC-18/03, issued by the Inter-American Court of Human Rights on 17 September 2003 on the juridical situation and rights of undocumented migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Taking note of the decision of the International Labour Organization to have a general discussion on migrant workers, based on an integrated approach, at the International Labour Conference to be held in June 2004 in Geneva,

1. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration⁷ to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

⁷ See resolution 55/2.

2. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights¹ and the international instruments to which they are party, which may include the International Covenants on Human Rights,⁸ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁹ the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁰ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,¹¹ the Convention on the Elimination of All Forms of Discrimination against Women,¹² the Convention on the Rights of the Child¹³ and other applicable international human rights instruments;

3. *Calls upon* States to promote and protect fully the human rights of migrants, as contained in the Durban Declaration and Programme of Action;⁶

4. *Acknowledging with satisfaction* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,¹⁴ and the forthcoming entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;¹⁵

5. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws, when xenophobic or intolerant acts or manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

6. *Strongly condemns also* all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

7. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to migrant workers' conditions of work, including those related to, inter alia, their remuneration and the conditions of health and safety at work;

⁸ Resolution 2200 A (XXI), annex.

⁹ Resolution 39/46, annex.

¹⁰ Resolution 2106 A (XX), annex.

¹¹ Resolution 45/158, annex.

¹² Resolution 34/180, annex.

¹³ Resolution 44/25, annex.

¹⁴ Resolution 45/158, annex.

¹⁵ Resolution 55/25, annexes II and III.

8. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families, and to provide specialized training for policy-making, law enforcement, immigration and other concerned government officials, including in cooperation with non-governmental organizations and civil society, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

9. *Reiterates* the need for all States parties to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to treat them humanely, in particular with regard to assistance and protection;

10. *Reaffirms emphatically* the duty of States parties to the Vienna Convention on Consular Relations of 1963¹⁶ to ensure full respect for and observance of the Convention, in particular with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

11. *Reaffirms* the responsibility of Governments to safeguard and protect the rights of migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

12. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

13. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat the international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt bondage or sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

14. *Calls upon* States, when enacting national security legislation measures, to observe national legislation and applicable international legal instruments to which they are party, in order to respect the human rights of migrants;

15. *Encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

16. *Encourages* all Governments to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

¹⁶ United Nations, *Treaty Series*, vol. 596, No. 8638.

17. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

18. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children and the importance of reuniting them with their parents, when possible and appropriate, are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

19. *Requests* States to adopt concrete measures in order to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families — inter alia arbitrary detention, torture and violations of the right to life, including extrajudicial executions — during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

20. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

21. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

22. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions, and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

23. *Welcomes* the proclamation of 18 December as International Migrants Day and the invitation to Member States and intergovernmental and non-governmental organizations to observe it through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the design of actions to ensure their protection;

24. *Urges* States to consider ratifying, accepting, approving or acceding to the United Nations Convention against Transnational Organized Crime¹⁷ and its two protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and

¹⁷ 1997 Resolution 54/23, annex I.

the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,¹⁸ and fully to implement those instruments;

25. *Takes note* of the interim report A/58/275 of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, and requests her to continue taking into account the recommendations contained in the Durban Declaration and Programme of Action in the performance of her mandate, tasks and duties;

26. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

27. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and requests the Special Rapporteur to submit to the Assembly at its fifty-ninth session an interim report on the fulfilment of her mandate.

¹⁸ Ibid., annexes II and III.



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**Fifty-eighth session
Third Committee**

Agenda item 117 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective
enjoyment of human rights and fundamental freedoms**

**Andorra, Australia, Austria, Belgium, Canada, Czech Republic, Denmark,
Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Norway,
Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland
and United States of America: draft resolution**

Situation of human rights in Cambodia

The General Assembly,

Recalling its resolutions 57/225 and 57/228 A of 18 December 2002 and 57/228 B of 13 May 2003, Commission on Human Rights resolution 2003/79 of 25 April 2003¹ and previous relevant resolutions,

Recalling also the decision of the Commission on Human Rights, in its resolution 2003/79, to request a report to the Commission at its sixtieth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia, and to continue its consideration of the situation of human rights in Cambodia at its sixtieth session,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,²

¹ See *Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

² A/46/608-S/23177.



I. Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights,³ the report of the Special Representative of the Secretary-General for human rights in Cambodia⁴ and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;

3. *Encourages* the Government of Cambodia to continue to cooperate with the office and other United Nations agencies in their joint efforts to promote human rights and to implement in full their obligations under international human rights treaties and instruments;

II. The role of non-governmental organizations

Commends the vital role played by non-governmental organizations in Cambodia, inter alia, in human rights education and training and in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

III. Administrative, legislative and judicial reform

1. *Welcomes* the progress achieved by the Government of Cambodia in the administration of national elections in July 2003 in a generally free and peaceful atmosphere and in improved access for political parties to the public service media, and urges the Government to investigate fully incidents of intimidation, violence, killings and vote-buying, to prosecute those responsible, to strengthen the enforcement capacity and independence of the National Election Committee and to build on the improvements achieved so as to further consolidate the process of democratization;

2. *Notes with concern* the continued problems relating to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, urges the Government to expedite the implementation of legal and judicial reform as a matter of priority, including finalization without further delay of the adoption of the laws and codes that are essential components of the basic legal framework, in particular a law on the organization and functioning of adjudicate courts, and to ensure the independence,

³ A/58/268.

⁴ See A/58/317.

impartiality and effectiveness of the Supreme Council of the Magistracy and of the judicial system as a whole;

3. *Welcomes* the drafts of the civil code, code of civil procedure, penal code, code of criminal procedure, anti-corruption law, law on the status of judges and prosecutors (statute of magistracy), draft law to amend the Law on the Organization and Functioning of the Supreme Council of the Magistracy, strategy for legal and judicial reform and action plan for its implementation, urges the Government to continue to enhance the training of judges and lawyers through the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Legal Professional Improvement of the Bar Association of the Kingdom of Cambodia, and encourages the Government to provide access to justice for all and establish a legal aid scheme appropriate for Cambodia;

4. *Welcomes also* the adoption of the subdecree on land concessions for social purposes, and urges the Government of Cambodia to strengthen its efforts to tackle the problems related to land rights by, inter alia, adopting the subdecrees on land concessions for economic purposes and on procedures for the reduction of and specific exemptions from the land concessions that exceed 10,000 hectares, enhancing transparency and giving high priority to the land management and administration reform project, and to continue to undertake a review of land concession contracts and their implementation, and notes with concern the remaining problems of land-grabbing, forced evictions and further displacement;

5. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and police and military reforms, inter alia, the demobilization programme;

6. *Welcomes* the progress made by the Government of Cambodia to eradicate anti-personnel landmines and to reduce the number of small arms in Cambodia, and encourages the continuing efforts of the Government and the international community to tackle these issues;

7. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes efforts and actions by the Government of Cambodia to prosecute perpetrators of violations, and calls upon the Government, as a matter of critical priority, to increase its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

8. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, including reviewing sentencing policy and developing non-custodial options as an alternative to imprisonment, to prevent any form of torture, to provide proper food and health care to prisoners and detainees, to meet the special needs of women and children and to restore access to prisons and inmates for lawyers, family members and human rights organizations in accordance with relevant regulations in force;

IV. Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights, forced evictions and political violence, including the killings of political activists, involvement by police and military personnel in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including to consider establishing a board of inquiry on the issue of mob killings;

2. *Urges* the Government of Cambodia to take all steps to combat discrimination in all its manifestations and prevent violence against members of any racial or ethnic group and to protect the human rights and fundamental freedoms of all persons, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,⁵ inter alia, by seeking technical assistance;

V. Khmer Rouge Tribunal

1. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia that were committed during the period from 17 April 1975 and 6 January 1979;

2. *Welcomes* the Agreement reached on 6 June 2003 between the United Nations and the Government of Cambodia to set up Extraordinary Chambers exercising their jurisdiction in accordance with international standards of justice, fairness and due process as set out in article 12 of the Agreement, urges the Secretary-General and the Government of Cambodia to take all the measures necessary for the early establishment of the Extraordinary Chambers, and appeals to the international community to provide assistance, including financial and personnel support to the Extraordinary Chambers, in accordance with General Assembly resolution 57/228 B;

VI. Protection of women and children

1. *Welcomes* the efforts and progress made to improve the status of women, including on the draft law on prevention of domestic violence and protection of victims of domestic violence, and urges the Government of Cambodia to take further measures to combat violence against women in all its forms, including sexual violence, and to take all steps to meet its obligations as a party to the Convention on

⁵ Resolution 2106 A (XX), annex.

the Elimination of All Forms of Discrimination against Women,⁶ including by seeking technical assistance;

2. *Commends* the Government of Cambodia for its efforts to impede the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and encourages it to continue to focus on the problem;

3. *Welcomes* the series of efforts made by the Government of Cambodia to combat human trafficking, including on the draft anti-trafficking law, while noting with serious concern the growth of human trafficking and sexual exploitation of women and children internationally, and requests the Government and the international community to strengthen their concerted efforts comprehensively to address these problems;

4. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health, safety or morals, by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and by prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182);

5. *Welcomes* the increased budget allocation in the areas of education and health, and encourages their timely disbursement and the efforts of the Government of Cambodia to improve further the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

VII. Conclusion

Invites the international community to assist the Government of Cambodia in its efforts to implement the present resolution.

⁶ Resolution 34/180, annex.



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Item 117 (b)

**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Algeria, Angola, Belarus, Botswana, Burundi, Cameroon, China, Congo, Cuba,
Democratic People's Republic of Korea, Democratic Republic of the Congo,
El Salvador, Eritrea, Indonesia, Iran (Islamic Republic of), Lao People's
Democratic Republic, Libyan Arab Jamahiriya, Mozambique, Myanmar,
Nigeria, Qatar, Rwanda, Sierra Leone, Sudan, Syrian Arab Republic, Togo,
Tunisia and Zimbabwe: draft resolution

**Promotion of peace as a vital requirement for the full enjoyment of
all human rights by all**

The General Assembly,

Recalling its resolution 57/216 of 18 December 2002,

Recalling also Commission on Human Rights resolution 2003/61 of 24 April 2003, entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all",¹

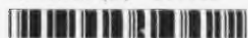
Recalling further its resolution 39/11 of 12 November 1984, entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,²

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

¹ See *Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

² See resolution 55/2.



Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security.

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

Reaffirming also its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States.

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world.

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law.

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.¹

Underlining that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation.

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights² can be fully realized.

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples.

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations.

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

¹ Resolution 2625 (XXV), annex.

² Resolution 217 A (III).

2. *Solemnly declares* that the preservation and promotion of peace constitute a fundamental obligation of each State;

3. *Emphasizes* that the preservation and promotion of peace demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter of the United Nations and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

5. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

6. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixtieth session, under the item entitled "Human rights questions".



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**Human rights questions: human rights questions,
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Afghanistan, Algeria, Azerbaijan, Bangladesh, Benin, Cameroon, China, Congo, Cuba, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Somalia, South Africa, Sudan, Syrian Arab Republic, Togo and Uganda: draft resolution

Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,¹ as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,²

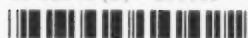
Recalling also the International Covenant on Civil and Political Rights³ and the International Covenant on Economic, Social and Cultural Rights,³

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

¹ Resolution 217 A (III).

² A/CONF.157/24 (Part I), chap. III.

³ See resolution 2200 A (XXI), annex.



Recalling the United Nations Millennium Declaration⁴ and the outcome documents of the twenty-third⁵ and twenty-fourth⁶ special sessions of the General Assembly, held, respectively, in New York from 5 to 10 June 2000 and Geneva from 26 June to 1 July 2000,

Recalling also its resolutions 57/204 and 57/205 of 18 December 2002,

Recalling further Commission on Human Rights resolution 2003/23 of 22 April 2003 on globalization and its impact on the full enjoyment of human rights,⁷

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process but that it also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Realizing further the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware that the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

Deeply concerned that the widening gap between the developed and the developing countries, and within countries, has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

⁴ See resolution 55/2.

⁵ Resolution S-23/2, annex, and resolution S-23/3, annex.

⁶ Resolution S-24/2, annex.

⁷ See *Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23)*, chap. II, sect. A.

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights are first and foremost the responsibility of the State;

2. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

3. *Also reaffirms* the commitment to creating an environment at both the national and the global level that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

5. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,⁸ which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

6. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization, so that poverty is systematically reduced and the international development targets are achieved;

7. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

8. *Underlines* the urgent need to establish an equitable, transparent and democratic international system in which poor people and countries have a more effective voice;

9. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

10. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

⁸ E/CN.4/2002/54.

11. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

12. *Takes note* of the report of the Secretary-General,⁹ and requests the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its fifty-ninth session.

⁹ A/58/257.



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**Human rights questions: human rights questions,
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Argentina, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Germany, Guatemala, Iran (Islamic Republic of), Italy, Japan, Mexico, Morocco, Namibia, New Zealand, Nicaragua, Panama, Philippines, Saint Vincent and the Grenadines, Senegal, South Africa, Sweden, Thailand, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its resolution 57/229 of 18 December 2002, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Convinced of the contribution that a convention can make in this regard,

Encouraging Member States and observers to actively participate in the Ad Hoc Committee in order to present to the General Assembly, as a matter of priority, a draft text of a convention,



Stressing the importance of the active participation of intergovernmental and non-governmental organizations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities,

Recognizing the important contributions made so far to the Ad Hoc Committee by all stakeholders,

1. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities;¹

2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission for Social Development at its forty-second session and to the Commission on Human Rights at its sixtieth session, and further requests both Commissions to continue to contribute to the work of the Ad Hoc Committee;

3. *Endorses* the Ad Hoc Committee's decision to establish a Working Group with the aim of preparing and presenting a draft text, which would be the basis for negotiations on the draft convention by Member States and observers in the Ad Hoc Committee, taking into account all contributions;²

4. *Notes* that the Working Group will present the outcome of its work on a draft text to the Ad Hoc Committee at the third session of the Committee;

5. *Decides* that the Ad Hoc Committee will start the negotiations on a draft convention at its third session;

6. *Decides also* that the Ad Hoc Committee should hold, within existing resources, two sessions in 2004, each of a duration of ten working days, prior to the fifty-ninth session of the General Assembly;

7. *Underlines* the importance of strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the United Nations in order to jointly support the work of the Ad Hoc Committee;

8. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee, in accordance with General Assembly resolution 56/510 of 23 July 2002 and based on the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in its work;

9. *Stresses* the need for additional efforts to ensure accessibility with reasonable accommodation regarding facilities and documentation at the United Nations for all persons with disabilities, in accordance with General Assembly decision 56/474 of 23 July 2002;

10. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

¹ See A/58/118 and Corr.1.

² See A/58/118, para. 15.

11. *Encourages* Member States to continue to include in their delegations to the meetings of the Ad Hoc Committee persons with disabilities and/or other experts in the field;

12. *Urges* Member States, observers, civil society and the private sector to contribute to the voluntary fund established by its resolution 57/229 to support the participation of non-governmental organizations and experts from developing countries, in particular least developed countries, in the work of the Ad Hoc Committee;

13. *Requests* the Secretary-General to forward a comprehensive report of the Ad Hoc Committee to the Assembly at its fifty-ninth session, as well as to report on the implementation of paragraphs 7, 8 and 9 of the present resolution.



General Assembly

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Fifty-eighth session

Third Committee

Agenda item 117 (c)

Human rights questions: human rights situations
and reports of special rapporteurs and representatives

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland:
draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling resolutions on the subject, the most recent of which are its resolution 57/233 of 18 December 2002 and Commission on Human Rights resolution 2003/15 of 17 April 2003, as well as Security Council resolutions on the subject, the most recent of which is resolution 1493 (2003) of 28 July 2003,

Recalling also its decision to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a joint mission of investigation in the Democratic Republic

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.



of the Congo, while regretting that the security situation has not yet allowed such a mission,

Bearing in mind Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

Bearing also in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General of 10 November 2003 on children and armed conflict,³

Welcoming the Final Act of the inter-Congolese political negotiations signed in Sun City, South Africa, on 2 April 2003, and recalling also all ceasefire and peace agreements as well as disengagement plans,

Taking note of the second special report of the Secretary-General of 27 May 2003 on the United Nations Organization Mission in the Democratic Republic of the Congo,⁴ the report of the Security Council mission to Central Africa, 7 to 16 June 2003, of 17 June 2003⁵ and the reports of the United Nations High Commissioner for Human Rights of 13 February 2003⁶ and on the events of 3 April 2003 in Drodro,⁷

Deeply concerned by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and Ituri, and by the grave violations of human rights and international humanitarian law that accompany them, as described in the above-mentioned reports,

Deploing the impunity that characterizes much of the fighting and the accompanying human rights abuses and humanitarian crises in the eastern Democratic Republic of the Congo,

1. *Welcomes:*

(a) The promulgation by the Head of State on 4 April 2003 of the Constitution that is to govern the country throughout the transition, the swearing of allegiance to the new Constitution by President Joseph Kabila on 7 April 2003, the installation on 17 July 2003 of the Government of National Unity and Transition in the Democratic Republic of the Congo, the inauguration of the National Assembly and the Senate on 22 July 2003 and the installation of the five Transitional Institutions on 28 August 2003;

(b) The signing on 18 March 2003 of a ceasefire agreement by the Governments of the Democratic Republic of the Congo and Uganda and six armed groups, which paved the way for the convening of the Ituri Pacification Commission from 4 to 14 April 2003 and the setting up of an interim administration in Ituri;

(c) The ceasefire agreement signed in Dar es Salaam on 16 May 2003, and the signing on 19 June 2003 of the Bujumbura Commitment by the Government of the Democratic Republic of the Congo, the Congolese Rally for Democracy and the Congolese Rally for Democracy-Liberation Movement;

³ A/58/546-S/2003/1053.

⁴ S/2003/566 and Corr. I.

⁵ S/2003/653.

⁶ See S/2003/216.

⁷ S/2003/674, annex II.

(d) The abolition of the Military Order Court;

(e) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo⁸ and her visit to the country from 26 February to 10 March and from 26 August to 6 September 2003;

(f) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003 and the action taken by his Office in the country;

(g) The consultations between the Secretary-General and the United Nations High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

(h) The extension of the mandate, the continuing presence and the increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Ceasefire Agreement signed at Lusaka,⁹ the peace agreements signed at Pretoria¹⁰ and Luanda and the relevant Security Council resolutions;

(i) The collaboration between the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights on the establishment of national institutions and infrastructures to protect human rights as well as transitional justice mechanisms;

(j) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

2. *Condemns:*

(a) The continuing violations of human rights, fundamental freedoms and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri, Kivu and other regions in the east of the country;

(b) The persistence, in the east of the country, of the armed violence and reprisals against the civilian population in the territories controlled by ex-rebel groups which now form part of the transitional government;

(c) All the massacres that have occurred in the province of Ituri, particularly the massacres at Drodoro, and most recently on 6 October 2003 in Katchele, while supporting the efforts of the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights to investigate them;

(d) The reported perpetration of acts of mutilation and cannibalism in the Mambasa region by forces of the Congolese Liberation Movement, the Congolese Rally for Democracy-National and the Union of Congolese Patriots;

⁸ See A/58/534.

⁹ S/1999/815, annex.

¹⁰ S/2002/914, annex.

(e) The cases of summary or arbitrary execution, disappearance, torture, harassment, unlawful arrest, widespread persecution and arbitrary detention for long periods;

(f) The widespread recourse to sexual violence against women and children, inter alia, as a means of warfare;

(g) The continuing recruitment and use of child soldiers by armed forces and groups in the territory of the Democratic Republic of the Congo which are contrary to international law;

(h) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court;¹¹

(i) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

3. *Expresses its concern regarding:*

(a) The breaches of freedom of expression, opinion, association and assembly and the attacks on human rights defenders throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(b) The continued suspension of the moratorium on the carrying out of the death penalty, in particular the death sentences passed on 7 January 2003 by the Military Order which had tried the persons accused of assassinating the former President of the Republic;

(c) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

(d) The increase in the number of refugees and displaced persons, in particular in the eastern part of the country;

(e) The continued insecurity, particularly in the east of the country in the zones held by armed groups, which seriously hampers the efforts of humanitarian organizations to gain access to people affected by the worrying humanitarian situation;

4. *Urges all parties to the conflict in the Democratic Republic of the Congo:*

(a) To cease, immediately, all military activities, including support for the armed groups allied to them, in order to facilitate, without delay, the re-establishment of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To implement the Bujumbura Commitment of 19 June 2003 immediately and unconditionally;

¹¹ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998, vol. I: Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

(c) To implement the Dar es Salaam Agreement of 16 May 2003 fully and without delay and to cooperate with the Ituri Pacification Commission in overseeing the settlement of the conflict in the north-east part of the Democratic Republic of the Congo;

(d) To respect their obligations as regards the implementation of the Transitional Constitution;

(e) To allow free and secure access to all areas so as to permit and support investigations of the presumed serious violations of human rights and international human rights law, with a view to bringing those responsible to justice, and to cooperate fully to that end with national and international human rights protection mechanisms to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo;

(f) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law and the African Charter on the Rights and Welfare of the Child, with the understanding that under the Convention on the Rights of the Child¹² and the Optional Protocol thereto on the involvement of children in armed conflict,¹³ persons under age eighteen are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(g) To meet the special needs of women and girls in post-conflict reconstruction as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peace-building, as a matter of priority;

(h) To implement all necessary measures to put an end to the widespread violations of human rights and to impunity, in particular with regard to the sexual violence against women and children;

(i) To protect human rights and to respect international humanitarian law, in particular by ensuring the safety of all civilians, and to take and implement all necessary measures to create conditions for the voluntary return of all refugees and displaced persons;

(j) To prevent conditions that might lead to flows of displaced persons in the territories of the Democratic Republic of the Congo and across its borders and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

5. *Urges* the Government of National Unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

¹² Resolution 44/25, annex.

¹³ Resolution 54/263, annex I.

(a) To strengthen the transitional institutions and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(b) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels enabling the establishment of a democratic constitutional regime, and the formation of a restructured and integrated national army;

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo;

(d) To carry on a comprehensive reform of the judicial system;

(e) To reinstate the moratorium on capital punishment and adhere to its commitment to progressively abolish the death penalty;

(f) To put an end to impunity and to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

(g) To cooperate with the International Criminal Court and to continue to cooperate with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

7. *Calls upon* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between his/her Office and the Secretary-General concerning the ways in which to assist the transitional government of the Democratic Republic of the Congo in tackling the problem of impunity;

8. *Calls upon* the international community:

(a) To support the human rights field office in the Democratic Republic of the Congo in order to make possible the effective implementation of its programmes;

(b) To support the organization, at the appropriate time and under the aegis of the United Nations and the African Union, of an international conference on peace, security, democracy and development in the Great Lakes region of Africa, with the participation of all the Governments of the region and all other parties concerned, and to support the introduction of human rights and humanitarian issues as one of the main themes of this conference;

9. *Requests:*

(a) The Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a

mission of investigation in the Democratic Republic of the Congo and to report to the Commission at its sixtieth session and to the General Assembly at its fifty-ninth session;

(b) The Secretary-General to give the Special Rapporteurs and the joint mission all necessary assistance to enable them to discharge their mandate fully;

(c) The United Nations High Commissioner for Human Rights to provide the technical skills needed by the joint mission to discharge its mandate;

(d) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of Congo to continue to raise the awareness of and provide training to all mission staff, including civilian police and military personnel, with respect to the relevant child protection standards, in particular when dealing with child soldiers, and to cooperate closely with the Special Representative of the Secretary-General for Children and Armed Conflict;

(e) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of Congo to continue to actively address the issues of gender, the full enjoyment of all human rights by women and the fight to eliminate violence against women and to provide adequate training to all Mission personnel in this regard;

10. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur to report to the General Assembly at its fifty-ninth session.



General Assembly

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**Fifty-eighth session
Third Committee**

Agenda item 117 (c)

**Human rights questions: human rights situations and
reports of special rapporteurs and representatives**

**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland,
France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania,
Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia,
Spain, Sweden and United Kingdom of Great Britain and Northern Ireland:
revised draft resolution**

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling all its previous resolutions, as well as those of the Commission on Human Rights, on the situation of human rights in the Democratic Republic of the Congo,

Recalling also Security Council resolution 1493 (2003) of 28 July 2003,

Bearing in mind Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

Bearing also in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General of 10 November 2003 on children and armed conflict,³

Welcoming the Final Act of the inter-Congolese political negotiations signed in Sun City, South Africa, on 2 April 2003,

Taking note of the second special report of the Secretary-General of 27 May 2003 on the United Nations Organization Mission in the Democratic Republic of the Congo,⁴ the report of the Security Council mission to Central Africa, 7 to 16 June 2003, of 17 June 2003⁵ and the reports of the United Nations High Commissioner for Human Rights of 13 February 2003⁶ and on the events of 3 April 2003 in Drodro,⁷

Deeply concerned by the continuation of hostilities in the eastern parts of the Democratic Republic of the Congo, particularly in North and South Kivu and Ituri, and by the grave violations of human rights and international humanitarian law that accompany them, as described in the above-mentioned reports,

Deploing the impunity that characterizes much of the fighting and the accompanying human rights abuses and humanitarian crises in the eastern part of the Democratic Republic of the Congo,

1. *Welcomes:*

(a) The promulgation by the Head of State on 4 April 2003 of the Constitution that is to govern the country throughout the transition, the swearing of allegiance to the new Constitution by President Joseph Kabila on 7 April 2003, the installation on 17 July 2003 of the Government of National Unity and Transition in the Democratic Republic of the Congo, the inauguration of the National Assembly and the Senate on 22 July 2003 and the installation of the five Transitional Institutions on 28 August 2003;

(b) The signing on 18 March 2003 of a ceasefire agreement by the Governments of the Democratic Republic of the Congo and Uganda and six armed groups, which paved the way for the convening of the Ituri Pacification Commission from 4 to 14 April 2003 and the setting up of an interim administration in Ituri;

(c) The ceasefire agreement signed in Dar es Salaam on 16 May 2003, and the signing on 19 June 2003 of the Bujumbura Commitment by the Government of the Democratic Republic of the Congo, the Congolese Rally for Democracy-GOMA and the Congolese Rally for Democracy-Liberation Movement;

(d) The abolition of the Military Order Court;

(e) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the

³ A/58.546-S/2003/1053.

⁴ S/2003/566 and Corr.1.

⁵ S/2003/653.

⁶ See S/2003/216.

⁷ S/2003/674, annex II.

Congo* and her visit to the country from 26 February to 10 March and from 26 August to 6 September 2003;

(f) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003 and the action taken by his Office in the country;

(g) The consultations between the Secretary-General and the United Nations High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

(h) The extension of the mandate, the continuing presence and the increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in accordance with Security Council resolution 1493 (2003) of 28 July 2003;

(i) The collaboration between the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights on the establishment of national institutions and infrastructures to protect human rights as well as transitional justice mechanisms;

(j) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

2. *Condemns:*

(a) The continuing violations of human rights and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri, North and South Kivu and other areas in the eastern part of the country;

(b) The persistence, in the eastern part of the country, of the armed violence and reprisals against the civilian population, especially in North and South Kivu and in Ituri;

(c) All the massacres that have occurred in the province of Ituri, particularly the massacres at Drodoro, and most recently on 6 October 2003 in Katchele, while supporting the efforts of the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights to investigate them;

(d) The reported perpetration of acts of mutilation and cannibalism in the Mambasa region;

(e) The cases of summary or arbitrary execution, disappearance, torture, harassment, unlawful arrest, widespread persecution and arbitrary detention for long periods;

(f) The widespread recourse to sexual violence against women and children, inter alia, as a means of warfare;

* See A/58/534.

(g) The continuing recruitment and use of child soldiers by armed forces and groups, in particular in the eastern part of the Democratic Republic of the Congo, which are contrary to international law;

(h) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court;⁹

(i) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

3. *Expresses its concern* regarding:

(a) The breaches of freedom of expression, opinion, association and assembly and the attacks on human rights defenders throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(b) The continued suspension of the moratorium on the carrying out of the death penalty, in particular the death sentences passed on 7 January 2003 by the Military Order Court which had tried the persons accused of assassinating the former President of the Republic;

(c) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

(d) The increase in the number of refugees and internally displaced persons, in particular in the eastern part of the country;

(e) The continued insecurity, particularly in the east of the country in the zones still held by armed groups, which seriously hampers the efforts of humanitarian organizations to gain access to people affected by the worrying humanitarian situation;

4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To cease, immediately, all military activities, including support for the armed groups allied to them, in order to facilitate, the re-establishment of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To implement fully and without delay both the Bujumbura Commitment of 19 June 2003 and the Dar es Salaam Agreement of 16 May 2003 and to cooperate with the Ituri Interim Administration in overseeing the settlement of the conflict in the north-east part of the Democratic Republic of the Congo;

(c) To continue to respect their obligations as regards the implementation of the Transitional Constitution;

(d) To allow free and secure access to all areas so as to permit and support investigations of the presumed serious violations of human rights and international humanitarian law, with a view to bringing those responsible to justice, and to

⁹ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998; vol. I: Final documents* (United Nations publication, Sales No. E.02.I.5); sect. A.

cooperate fully to that end with national and international human rights protection mechanisms to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo;

(e) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law and the African Charter on the Rights and Welfare of the Child, with the understanding that under the Convention on the Rights of the Child¹⁰ and the Optional Protocol thereto on the involvement of children in armed conflict,¹¹ persons under age eighteen are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(f) To meet the special needs of women and girls in post-conflict reconstruction as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peace-building, as a matter of priority;

(g) To implement all necessary measures to put an end to the widespread violations of human rights and to impunity, in particular with regard to the sexual violence against women and children;

(h) To protect human rights and to respect international humanitarian law, in particular by ensuring the safety, security and freedom of movement of all civilians, as well as United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo;

(i) To prevent conditions that might lead to flows of refugees and displaced persons in the territory of the Democratic Republic of the Congo and across its borders and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

5. *Urges* the Government of National Unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

(a) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels enabling the establishment of a democratic constitutional regime, and the formation of a restructured and integrated national army;

(b) To strengthen the transitional institutions and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

¹⁰ Resolution 44/25, annex.

¹¹ Resolution 54/263, annex I.

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo;

(d) To carry on a comprehensive reform of the judicial system;

(e) To reinstate the moratorium on capital punishment and adhere to its commitment to progressively abolish the death penalty;

(f) To put an end to impunity and to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

(g) To cooperate with the International Criminal Court and to continue to cooperate with the International Criminal Tribunal;

7. *Calls upon* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between his/her Office and the Secretary-General concerning the ways in which to assist the transitional government of the Democratic Republic of the Congo in tackling the problem of impunity;

8. *Calls upon* the international community:

(a) To support the human rights field office in the Democratic Republic of the Congo in order to make possible the effective implementation of its programmes;

(b) To support the organization, at the appropriate time and under the aegis of the United Nations and the African Union, of an international conference on peace, security, democracy and development in the Great Lakes region of Africa, with the participation of all the Governments of the region and all other parties concerned, and to support the introduction of human rights and humanitarian issues as one of the main themes of this conference;

9. *Requests:*

(a) The Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a mission of investigation in the Democratic Republic of the Congo and to report to the Commission at its sixtieth session and to the General Assembly at its fifty-ninth session;

(b) The Secretary-General to give the Special Rapporteurs and the joint mission all necessary assistance to enable them to discharge their mandate fully;

(c) The United Nations High Commissioner for Human Rights to provide the technical skills needed by the joint mission to discharge its mandate;

(d) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of the Congo to continue to raise the awareness of and provide training to all mission staff, including civilian police and military personnel, with respect to the relevant child protection standards, in particular when

dealing with child soldiers, and to cooperate closely with the Special Representative of the Secretary-General for Children and Armed Conflict;

(e) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of the Congo to continue to actively address the issues of gender, the full enjoyment of all human rights by women and the fight to eliminate violence against women and to provide adequate training to all Mission personnel in this regard;

10. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur to report to the General Assembly at its fifty-ninth session.